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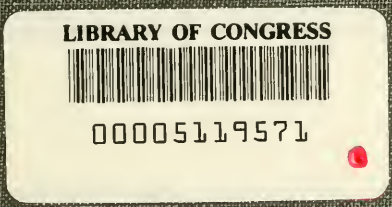

THE

MEMORIAL

OF

REVERDY JOHNSON

TO THE

LEGISLATURE OF MARYLAND,

Praying indemnity for the destruction of his property in the City of Baltimore, by a Mob, in August 1835.

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To the Honorable

The General Assembly of Maryland.

The memorial of Reverdy Johnson, of the city of Baltimore, respectfully showeth unto your honorable body, that in August last, his dwelling house, furniture and library, situated in that city and constituting with inconsiderable exceptions all the property he had been able to accumulate after many years of assiduous professional labor, was, during the absence of himself and family, openly and with the knowledge of the whole city, and after they had had several days prior notice of the design, suffered to be destroyed by a lawless and savage mob, comparatively few in numbers, and easily to have been suppressed. For weeks preceding, violent and inflammatory communications, urging to this and other outrages of a similar character, had been circulated with unexampled industry through the city and to the knowledge of its civil authorities, and for four days prior to the destruction of the property of your Memorialist, still more open and decided indications demonstrated that that event, and the other scenes which so deeply wounded the fair fame of the city and brought sorrow to every well wisher of its prosperity, were almost sure to take place, unless promptly restrained by the civil power.

But the warnings were in vain. Instead of efficient and energetic measures that would have frowned down all opposition to the laws; instead of a timely and effective exercise of the powers with which the charter of the city and the general laws invested them, the city authorities apparently, and no doubt honestly incredulous that such barbarous violences could really be contemplated, resorted to means grossly inadequate to the exigency, and actually calculated as the event proved, rather to encourage than to subdue the rioters. The result is now matter of history, and the only consolation it leaves to her citizens is that it has taught them a lesson which it is confidently believed will cause them in all time to come effectually to protect their home from the disturbance disgrace and ruin, of like scenes of savage violence and outrage.

That your Memorialist is correct in stating that these outrages could readily have been avoided by proper and

reasonable energy on the part of the authorities of the city, was not only demonstrated on the Monday succeeding the destruction of his property, when the mob in the pride of victory and almost in the absolute and uncontrolled possession of the town and threatening indiscriminate pillage, were instantaneously suppressed by the decided and patriotic stand assumed by General Smith and those who united with him, but was also abundantly shown by what a few men, unarmed at the commencement were able to accomplish in the defence of the property of your Memorialist, on the Saturday night preceding. No one acquainted with the history of that night does or can doubt, that had those gallant and excellent citizens been reasonably supported, instead of being virtually abandoned by the civil power, Baltimore would never have had to deplore the occurrences to which this memorial refers.

Her only monuments would then have been testimonials of the enterprise, patriotism and gratitude of her citizens, teaching lessons of civil and military honor, untarnished by others, evidencing the temporary reign of anarchy, the dearest rights of her citizens violated, her laws trampled upon, and deeds perpetrated, over which even savages might have mourned.

But the events have occurred, and sad as they are, your Memorialist is satisfied, that they will soon be forgotten in the prosperity which the general intelligence, virtue and industry of her people, is certain to produce. In every community of a dense population, there will always be materials upon which the designing and wicked may sometimes operate to excite to deeds of violence, if there is not a certainty that the laws will be executed at all hazards, and the authors and the instruments of their violation, brought to sudden and exemplary punishment. Such is the experience of our time, and such will it ever be, until man changes his nature. A feeble police is sure to invite to deeds of violence, whilst a strong and energetic one is as certain to prevent them.

The scenes which he has mentioned and the manner in which he has spoken of them, your Memorialist deemed called for by the purpose of his application. He is not to be understood as intimating that such things can again occur in Baltimore. So far from entertaining any such apprehension, he is satisfied that the first daring

miscreant who is found to raise his arm to disturb her tranquility and subvert the supremacy of the laws, will at once be made an object of their severest penalties.

His property however, has been destroyed by violence, which it was in the power of his fellow citizens or of their constituted authorities to have prevented. Is he, can he be without redress? If he is, he is not only sadly ignorant of the Constitution of his State, and that of every free State in the civilized world, but he is also greatly mistaken in the temper and spirit of justice of the people of Maryland. Before proceeding to state to your honorable body, the grounds upon which he predicates his application, he begs permission to refer for a moment to the pretext for the outrage of which he complains--About two years preceding the events in question, your memorialist with twelve others, became a Director, at the instance of its President, of the Bank of Maryland, a Banking Institution, situated in Baltimore.—It is not his purpose in this place, to trouble your honorable body with a history of his actual participation in the management of that Institution, nor to explain to you how impossible it was in consequence of the engrossing nature of his professional duties, that he could have been, even had he been so disposed, more than nominally concerned in it. It is no doubt known to you, that he has already upon two occasions, fully disclosed to the public, his connexion with the Bank, and as far as he was able, the true causes of its unparalleled insolvency. All that he means now to say upon the subject, is, that he ardently desires if your honorable body approves of it, that you at once institute by a committee of your own, or in any other mode you may sanction, the most searching enquiry into the causes of the failure of that Institution and especially in relation to his connexion with it, and that if it results in his being found in one single particular to have wronged it of a dollar, or to have been knowingly privy to any such wrong on the part of any one else, he will not only withdraw the present memorial, but will at once convey the small remnant of property left to him, and pledge the subsequent earnings of his life, to make the loss good.

Your Memorialist served for seven years in one of the branches of your honorable body, has been for upwards of twenty years engaged in a professional practice unu-

sually extensive in his own district and in all the higher Courts of the State, and he proudly relies as ample evidence that he is incapable of any moral wrong, on the continuing esteem of those who have had the best opportunities of observing his public and professional conduct. Amongst them it is his highest gratification to enumerate many members of your honorable body. He may possibly deceive himself, but he has yet to learn that the bitter and malicious assaults which have been recently made upon his reputation, have lost him the regard of a single judge to whom he was known, or of an individual member of his profession, having the slightest pretensions to moral and professional character and standing. A recent trial in the County Court of Harford, as is known at least to one of the delegation from that county, if not to all, led to the fullest investigation of the conduct of your Memorialist concerning the Bank, and resulted in a letter voluntarily tendered by the jury who tried the cause, denouncing the attacks upon him as libellous, and wholly exempting him from all censure. In this testimonial the judges who presided over the trial did not join, from (as your Memorialist knows) motives not at all inconsistent with an entire concurrence in opinion with the jury, and he is satisfied that if called upon by your honorable body, should you deem the enquiry at all material, they will unanimously confirm in every particular, the judgment of the jury.

For the introduction of this topic, should you be of opinion that it is uncalled for by the present application, your Memorialist hopes to be excused. The lively sense which every man of honor feels at imputations upon his integrity, and the utter insignificance in which he holds all other possessions in comparison with his good name, will, he is assured, be deemed an ample apology for soliciting the investigation.

Should it, however, be deemed unnecessary, he will confidently await other opportunities, which must soon present themselves, of still further demonstrating his innocence in all that relates to the Bank of Maryland.

For the loss of his property your Memorialist is forced to apply to your honorable body for redress. The law as it now stands, gives no sufficient remedy by any resort to the courts of justice for relief. His reliance must therefore, be upon the justice of the Legislature,

and it is a reliance which he has ever most confidently entertained.

If the Constitution of our State was silent upon the subject, the general principles of freedom lying at the foundation of every free government, would secure him the protection he seeks. The duty of allegiance necessarily involves the correspondent obligation of protection.

If the property of the citizen is made to contribute to the support of the Government, if his personal services can be exacted in its administration and defence, if all his private and natural rights are held subordinate to his social duties, he has a clear right to expect in return, that his remaining privileges of person and of property, will be adequately secured, as far, at least, as depends upon a reasonable and ordinary exercise of the powers of the Government.

There may be injuries arising from sudden and overwhelming calamities, or from secret theft, fraud or violence, for which society may not be liable, because by no reasonable diligence nor practical legislation, can they be avoided, but its moral responsibility, which with sovereignty is ever esteemed the highest responsibility, to redress the wrongs of the citizen in person or in property, occurring from misgovernment or from the negligent and defective exercise of the powers with which government is clothed, is, your Memorialist believes, a proposition sustained by the clearest principles of reason, and approved by every political writer of reputation, since man enjoyed political freedom.

But in Maryland, the citizen is not left to rely upon any such general principle, however clear and well settled it may be. The organic law of the state, guarantees the protection to him. If it does, there can exist no doubt of his title to redress. Whatever the declaration of rights undertakes to secure, it is the bounden duty of the government effectually to secure.

It would be an idle mockery to proclaim the right unless its enjoyment is practically provided for. What avails it that he is told that his liberty and his property are to be his, unless adjudged forfeited by the sentence of his peers, or the law of the land.—What avails it that he is told that he is not to be "deprived of his freehold liberties or privileges"—that he is not to be "de-

prived of his life, liberty or property, but by the judgment of his peers or by the law of the land,"* if without even the form of a trial, if not only without law, but against all law human and divine, he may be deprived of every thing he possesses, by a deluded, or hired violence, at any moment, when from any cause, no matter what, he may become an object of public prejudice or of private malice. If in such moments the civil power may slumber without responsibility, if the particular community in which the outrage may be perpetrated, may look on silent spectators of the enormity, and be safe from all liability, the boasted charter of the people's freedom, is a mere collection of unmeaning sentences, the protection it professes to guarantee to the individual citizen, is but a name, it holds but the word of promise to the ear and breaks it to the hope. Let it not be said in such cases, that the individual is entitled to redress from the immediate authors of his injuries. It is but to trifle with his misfortunes. Who were they for the most part, if not exclusively in the particular instance? who will they ever be? The very dregs and refuse of society. Bankrupts in fortune and in fame, actuated by an inherent lust of plunder, ministering to the vindictive passions of concealed employers, or hoping to rise to comparative importance in moments of public agitation, from the obscurity to which their worthlessness would otherwise forever consign them. To expect indemnity at such hands is as idle as to search for striking instances of virtue amongst the inmates of a penitentiary. From the government alone can justice be obtained.

Is there any doubt of their power to render it in the present instance.

Your Memorialist in conclusion, begs leave respectfully to add a few remarks upon this point.

Assuming as true, what he supposes no one will be found to deny, that the citizen has a clear right to be pro-

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*See the 21st article of the Declaration of Rights—"That no man ought to be taken or imprisoned, or disseized of his freehold liberties, or privileges, or outlawed, or exiled, or *in any manner destroyed, or deprived of his life, or property*, but by the judgment of his peers or by the law of the land."

tected against all injuries which the government can with facility prevent—the breach of duty on tbe part of the latter, if the city authorities constitute a branch of it, in the case made by this memorial, is equally manifest. The peace of the city could have been preserved by fifty armed men, assembled in proper time—any decided manifestation of a determination to uphold the laws would have driven the rioters to their hiding places. Your Memorialist ventures to assert that not an intelligent and honest citizen of the place, can be found to question this declaration. Are not the authorities then, of Baltimore, a branch of the government of the State? and indeed, constituted for the very purpose amongst others, of enabling the State the better to protect that particular portion of her population? But one answer can be given to this enquiry. Within the sphere of his jurisdiction, and the limits of his powers, the Mayor of the City is as much the Executive Officer of the State, as is the Governor of the State, and the same may be said of all the other municipal officers of the corporation. The whole of them although holding their appointments immediately under the charter of the city, are but the agents of the government. She is as much bound to defend the citizen from the abuse or misuse of their duties as to defend him from the wrongful acts of any other branch of her municipal power. In what manner, when loss ensues to an individual from such causes, he is to be indemnified, it is for the Legislature, in the absence of any existing general law to provide. The obligation to protect necessarily assumes the obligation to redress. To refuse the latter, would be not only practically to enfeeble the former, but to enhance the wrong of its violation. No government can be perfect in which the right to both is not secured to the citizen, and no government it is confidently asserted, can be found in these United States, in which the right is not effectually secured. Is there any limitation of either obligation in the Constitution of Maryland? That there is none upon the duty of protection, will readily, he supposes, be conceded. Protection through default of the government failing, is there any upon the duty to indemnify. In principle no such limitation should exist. In fact, does any exist? If it does, it can only be by reason of some clear, positive and unequivocal limitation in the Constitution or Declaration

of Rights—Unless it is contained there it can be found no where. Is it contained there? The unlimited power of taxation, for all the purposes of the government is invested in the Legislature. Whatever burthens the Constitution imposes, or the necessities of the government demand, requiring the public money or the public credit may, through this power, be provided for. Whatever appropriation of either, the Legislature may find, will be advantageous to the State, or redound to "the good government and benefit of the community," they are authorised to make without restriction. They have not only the unlimited power over the appropriation but, under their responsibility to the people, they are the exclusive judges of the objects of the appropriation.—Amongst hundreds of instances which will readily occur to your honorable body, illustrative of this proposition, your Memorialist contents himself with mentioning appropriations for the support of education, for the improvement and deepening of rivers, for rail roads and canals, for the colonization of free people of color, for pensions to soldiers, for testimonials of gratitude and esteem, for the gallantry and patriotism of her native sons. These all demonstrate the unlimited nature of your control over the funds and means of the people, and its liberal and constant exercise upon all occasions where an enlightened wisdom teaches that it is called for by any of the ends and obligations of a free and good government. What stronger, what more commanding appeal can be presented for its execution, than that of the citizen whose property has been wrested from him through the supinenes and incompetency of the agents of the government, and in the presence of thousands of his fellow corporators.

If the genius of good government does not invoke, in such a case, complete indemnity, a residence under the reign of a Czar of Russia, is a thousand times to be preferred to a residence in Baltimore—Any government no matter how despotic, is better than anarchy—Any single tyrant, no matter how wicked, is better than the tyranny of a mob. Your Memorialist has, however, an abiding confidence that the virtue and intelligence of his fellow-citizens there, as well as throughout the State, will entertain but one opinion upon the subject—that the honor and welfare of the city, and the honor and duty of the State, alike demand the indemnity. Before your honor-

able body, he has no fears but that the enlightened and liberal spirit which governs all your deliberations, will amply secure him the full measure of justice which he seeks at your hands. The taxing power being subject to no restriction incompatible with the authority to grant the relief asked for, your Memorialist proceeds to show that no such restriction exists in any of the express limitations upon your powers.

The difference between the State Governments and that of the United States in questions of this description, is well understood.

In construing the Constitution of the United States in order to ascertain the power of the General Government on any particular subject, you examine it to see if the authority is granted, and not to see if it is denied. It possesses no jurisdiction which is not expressly bestowed, or which is not by necessary implication involved in what is expressly bestowed. It is exclusively a government of delegated powers. This would have been abundantly manifest from the very nature of its existence, but it is so described in the Constitution itself—the powers not delegated are expressly reserved to the States or the people.

A different and directly reverse rule of construction prevails in the State Governments. You look at their Constitutions, not to find whether the disputed power is granted, but whether it is prohibited. Their legislative, executive and judicial departments, within their respective limits, are adequate to the attainment of every end of good government. They possess not so much delegated as inherent powers—As soon as constituted, and by mere force of that Constitution, they become severally endowed with every legislative, executive and judicial function which is not inconsistent with the spirit of our Institutions, and these they in all cases possess, except so far as they may be restrained by positive limitation. These principles will be found sustained by a uniform course of judicial construction, by an equally uniform approbation on the part of the other branches of the two gouernments, and by the constant sanction of the people.

In every case, therefore, of a contested power in a State Government, the first enquiry is, is it a power fit in itself, naturally belonging to a good and free government, and to either of the branches, legislative, execu-

tive and judicial, into which it may be divided. This being ascertained, the second question is, not whether the particular Constitution in terms invests it in the appropriate branch; but whether it expressly repudiates it; and if not, the third and only remaining enquiry is, does the Constitution of the United States prohibit it. To apply these tests to the authority involved in this memorial.

First—Is the power a proper and wholesome one. Is it the attribute of a good and free government. Is the citizen safe under any government in which it does not exist. These questions furnish their own answer. But one opinion can possibly be entertained npon them.—They contain a proposition which no one can deny, and which, therefore, need not be proved—where such a power is not found, the safety and security of the citizen in person and in property, exists but upon a frail and insecure tenure. He has but barely improved the protection which a state of nature would have furnished him. He lives under a system which is any thing else than government has been described to be "a contrivance of human wisdom to provide for human wants."

Second and third—The power being a legitimate one, is it expressly denied in the case here presented, either by the Conititution of Maryland or of the United States? These questions may be well considered together. It has been seen that no such negation is to be found in the taxing power. Is it to be seen elsewhere. The only two grounds upon which your Memorialist has ever heard it questioned, are first, that its exercise would be ex post facto legislation, and therefore, within the restriction of the 15th article of the declaration of rights, and secondly, that it would be a violation of a part of the 1st clause of the 10th section, 1st art of the Constitution of the United States, which, amongst other things, declaaes that no State shall "pass any ex post facto law, or law imposing the obligations of contracts." A word or two upon each objection. The prohibition of *ex post facto* laws, is common to both constitutions. What then as there used is an *expost facto* law? Whatever doubts in relation to this question might well have been originally entertained, it is not now open to controversy. To adopt the language of Mr. Justice Story, in his commentaries on the Constitution of the United States. "The

current of public opinion and authority has been so generally one way as to the meaning of this phrase in the State Constitutions, as well as in that of the United States, ever since their adoption, that it is difficult to feel that it is now an open question. *The general interpretation has been, and is, that the phrase applies to acts of a criminal nature only*"—3 vol. p. 212. And indeed, it will be seen by the article in our declaration of rights, that this is the very interpretation there given of the phrase. Its words are "that retrospective laws *punishing* facts committed before the existence of such laws, and *by them only declared criminal*, are oppressive, unjust and incompatible with liberty, *Wherefore*, no *ex post facto* law ought to be made." Under such a restriction it is impossible to bring the law now solicited. No personal punishment of any individual is proposed. An appropriation of the money of the whole, a species of legislation of every days occurrence, alone is asked to indemnify an individual injury which the whole were bound to have prevented, and which it is the chief object of government to prevent. In the second place, if in the manner of accomplishing it, the particular city is made to bear the burthen, it is because justice requires that it should more peculiarly fall upon those who have been especially to blame. Their own immediate agents and themselves could have avoided the injury, if their powers had been reasonably exerted, and being able to do it, it was their duty to have done it. Let me mention a few instances as conclusive of this proposition. Baltimore county has a joint interest with the city, in the court house and jail. Suppose the city from design, from supineness, from timidity, suffer them to be lawlessly razed to the ground by an infuriated mob. They must be rebuilt—should the county be saddled with a share of the expense, or ought it not to be borne exclusively by the city. The State has property there of great value. She has a large interest in some of the Banks, in rail roads, in tobacco inspections, &c. Suppose these, or any of them to be destroyed by lawless violence, which reasonable diligence on the part of the city, could have frustrated, ought not the loss to be made good by the city. Thousands of dollars of individual property belonging to citizens of the State, are in her inspection houses, and share the fate of the public property, are these individ-

uals not to be indemnified, and is it unjust to fix the indemnity upon the city. Hundreds of thousands are there on consignment, belonging to the planter, the farmer, the fisherman, the manufacturer, the foreign merchant—it falls a sacrifice to the love of plunder of the mob—ought not the city to make good the loss?—should the proprietors suffer from the want of energy or faithfaithlessness of the authorities, or the apathy, or pusillanimity of the citizens. Should the State at large pay the penalty of the city's default. Your Memorialist believes it impossible to give a negative answer to these enquiries—and if it is, the objection he is contesting is removed.

In every case of this nature, the action of the Legisnature, it is true, is in fact, retrospective. It takes place after the enquiry, which calls for it occurs, and it is hard only because without it the injury is remidiless. But every law appropriating the funds or credit of the State, in the instances before alluded to and in almost all others, is obnoxious to the same objection. There is no law providing in advance for the support and comfort of the soldier who bleeds in his country's defence—the appropriation is made after the wound is received. There is no law promising in anticipation monuments to her sons for deeds of gallantry & patriotic daring, testimonials of a nation's gratitude and incentives to acts of future noble-ness—they are established after the services are rendered. There is no law entitling corporations for works of public improvement, to aid from the public Treasury—it is bestowed after their necessities require it, because it serves to promote the general welfare and subserve the purposes of good government. The Legislation which is of annual occurrence, curing conveyances defectively executed or recorded, granting stays of execution upon judicial proceedings, changing the period of limitations upon suits or contracts, repealing former exceptions in favour of particular classes of creditors, and in a multitude of other instances, with which the statute books of every State in the Union abound, is in one sense ex post facto, it is retrospective, but it is not therefore unconstitutional. In some of these cases, it has never been questioned, and in the others, when questioned, it has not only been approved by the State courts, but by the Supreme Court of the United States. See inter alia,

Satterlee vs. Matthewson, 2 Peters, Sup R. 380, Wilkinson v Leland, 2 Peters Sup R. 627.

If the limits proper to this memorial would allow it, your memorialist could make the argument of this question, if possible, still more conclusive. He is advised, however, that it becomes him to bring it to a close.

Secondly. Would the measure proposed impair the obligation of a contract, and therefore, fall within the prohibition of the Constitution of the United States. Your Memorialist deceives himself if it is a diffificult matter to establish the futility of this objection.

The only contracts of any description which the case can be possibly supposed to involve, is that between your memorialist as a citizen of Baltimore and the people of Baltimore, growing out of their common character of corporators of the same municipal corporation, that between himself as a citizen of Maryland, and the people of Maryland growing out of the constitution of the state, and that between the people of Baltimore and the state, growing out of the charter of the city. under a grant from the state. Will all or either of these contracts be violated by the measure in question? Your memorialist assumes that he has already demonstrated that his rights as a citizen of the state under the constitution of the state gave him a clear title to protection from the injury for which he seeks redress. Is it not equally manifest that he had the same claim to protection as a citizen of Baltimore under the charter of the city, from the constituted authorities of the city and his fellow corporators. The charter is a municipal incorporation, providing for the exercise of important powers, legislative and executive, amply adequate to preserve the peace of the town, and protect the citizen from known and open violations upon his rights of person and of property. As one of the corporators he is called upon and bound to contribute his quota of the expense of the incorporation and to yield obedience to all the ordinances, which it may from time to time enact in the exercise of its legitimate powers. It is but an "*imperium sub imperio*" a government within a government, embracing the correlative obligations of allegiance and protection and within the sphere of its jurisdiction must therefore be responsible, at least morally, to every individual corporator for the faithful exercise of its acknow-

ledged authority. If by an act avowedly official, the authorities of the city had expressly directed the destruction of the property of your memorialist—if each individual citizen had joined in the perpetration of the outrage your memorialits supposes that no one would be found to deny that he would have a clear claim to indemnity from the city itself, which ought to be enforced; and yet upon what principle would the right depend—upon the abuse of its corporate powers—upon the violation of corporate duties—upon the breach of corporate rights.—Is there any distinction between the cases supposed, and that which occuired? On the contrary, are they not in principle identical? The outrage complained of, the corporate powers were abundantly sufficient to prevent, the corporate duties of his Fellow Citizens, commanded them to prevent and it was a plain, manifest and almost unparalled violation of the corporate rights of your Memorialist.—No law enforcing indemnity in such a case can, without an absurdity in terms, be denominated a law impairing the obligation of a contract. It is not to impair, it is to enforce its obligation—it is not to break, it is to exact its stipulations—it is not to alter, to diminish or to enlarge its provisions, it is to see them fully, fairly and honestly performed. In the last place would such a law violate the contract between the State and the City, existing in the grant and acceptance of its Charter? As has been here. tofore shown, the Charter is a mere public municipial corporation, an arm of the government of the State designated and mainly designed within the limits of its powers as a substitute for the immediate power of the State, to preserve the peace, ensure the safety and promote the welfare of its particular inhabitants. The State has a clear right to expect that their delegated powers will be fairly and reasonably exercised—it is her especially duty to see that they are so exercised; her responsibility as sovereign of the whole, exacts it of her. She would be faithless to her owu trust, blind to her own duties and obnoxious to the severest censure, if she knowingly suffered them to be abused. If she finds them inadequate, she may supply them—If she finds them mishievous, injurious to the interests of her people, she may reclaim them. She has an unlimited authority in the exercise of her own sovereign discretion, to "change, modify, enlarge and restrain them," subject to no other restriction than that any property which the Corporation may have

acquired,;' shall be secured for the use of those for whom, and at whose expense, it has been acquired."

See the case of Dartmouth College, vs. Woodward 4, Wheat. R. 518, 629, 630, 659, 663, 699 to 701 and 3 Story, Com. 260, 261.

In the case which has happened, the authorities of the city have negligenly exercised their powers,the people of the city have failed to perform their duty as citizens and corporators, and an individual injury almost of the highest enormity, has been the consequence. Will a law providing indemnity for the wrong, violate any obligation which the State owes the Corporation or its members? Can any rational doubt be entertained upon the question. So far from there being any contract violated by such a measure, is it not on the contrary, manifest that the failure to adopt it, would virtually be to violate the duty of protection which the State owes the citizen, to sanction an unequalled outrage,to approve a clear abuse of the powers of a municipal corporation, to encourage to deeds of violence, to bring her laws and power into shameful disrepute, to subvert the plainest principles of freedom, to trample upon the declaration of rights, and to render the name of Maryland, heretofore, a name esteemed, beloved and admired wherever known, a bye-word and reproach amongst civilized people.

Your Memorialist has no such fearful forebodings. He is well assured that in the hands of the Body he addresses, the honor and character of the State, will be preserved in unspotted purity.—That the rights of the individual citizen, are sure of substantial protection—that his wrongs are certain of full and complete redress—that the supremacy of the laws will be maintained—that the safety of her people in every part of her dominion, will be sedulously preserved, and that she will be as she has ever been, the admiration of strangers, and the beloved of her sons, for the enjoyment of a liberty, civil and political, as pure, liberal and enlightened as Heaven ever vouchsafed to man.

Your Memorialist throws himself upon the indulgence of your honorable body for the length of this memorial. All that he has ventured to address to you, he honestly deemed called for by the nature of his application It is now, however, time to bring it to a termination. His prayer, most respectfully presented to you,is for full and

complete indemnity for the injury he has sustained. He claims it as a citizen of Maryland. He invokes it as secured to him by the Constitution and Declaration of Rights. He asserts it as founded upon the most palpable principles of freedom. What is his case to day, may be yours to-morrow. The rights of every individual citizen have been wounded in his person. The more immediate ruin has fallen upon him, but that was but the accident of lawless caprice. The same fiend-like barbarity, the same lust of savage violence, the same contempt and defiance of the laws, the same abandonment of all duty, social and christian, exists, and will continue to exist in the instigators and more immediate leaders of scenes like these. You may next fall within the range of its fury—will not the State owe you protection? If you shall suffer, will it not owe you indemnity?

Your Executive has recommended Legislative provision to meet future cases. Are you not prepared to pursue the recommendation? If you are, it is conclusive of the question submitted by this memorial—It establishes the right to indemnity—It admits the liability of the government—It fixes the justice of visiting the loss on the parties more immediately to blame--Such laws have existed in England for centuries. They exist on the Continent. They are necessary to the protection of the citizen. They are however, but in aid of the paramount responsibility of the government. That remains. Its solemn, sacred duty of preserving the rights of its people when they can be preserved, can never be cancelled. That must be performed. Your Memorialist has no fear that it will not be discharged in the present instance. He knows the body which he addresses too well not to be satisfied that in their custody, the rights of an injured citizen are ever safe. That their Legislation to preserve the laws, will know no other limits than the limits of their power. Upon the question of power, he could much enlarge, but he is admonished that he has already trespassed too long upon your time, nor can he doubt that he has established it to your entire satisfaction. Should it however, be otherwise, he in conclusion, prays to be heard upon it at the bar of your house, by his friend and counsel Roger B. Taney, Esq at such period as may suit your convenience, and

in the mean time, he most respectfully submits the whole subject to your care.

REVERDY JOHNSON.

Annapolis, February 15, 1836.

W92

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